

United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

LINCOLN JONES, et al.,

Plaintiffs,

v.

TRAVELERS CASUALTY INSURANCE
COMPANY OF AMERICA,

Defendant.

Case No. 13-CV-02390-LHK

**ORDER GRANTING AMENDED
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL**

Re: Dkt. No. 226

Previously before the Court were three administrative sealing motions (ECF Nos. 153, 172, and 194) filed in connection with Defendant's Motion for Summary Judgment (ECF No. 154), Plaintiffs' Opposition thereto (ECF No. 172-6), and Defendant's Reply (ECF No. 195). On May 8, 2015, this Court granted-in-part and denied-in-part these sealing motions, and for the motions denied without prejudice, allowed the parties to file renewed motions to seal consistent with the Court's Order within seven days. ECF No. 213.

On May 15, 2015, Plaintiffs filed an amended administrative motion to file under seal. ECF No. 226. This motion seeks to seal narrower portions of certain documents, consistent with the Court's May 8 Order. *Id.* In support of this motion, Defendant and the California Department of Insurance filed declarations explaining why the redacted portions of these documents should be

1 filed under seal. *See* ECF No. 220, 227, and 228.

2 “Historically, courts have recognized a ‘general right to inspect and copy public records
3 and documents, including judicial records and documents.’” *Kamakana v. City & Cnty. of*
4 *Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Nixon v. Warner Commc’ns, Inc.*, 435
5 U.S. 589, 597 & n.7 (1978)). Accordingly, when considering a sealing request, “a strong
6 presumption in favor of access is the starting point.” *Id.* (internal quotation marks omitted).

7 Parties seeking to seal judicial records relating to dispositive motions bear the burden of
8 overcoming the presumption with “compelling reasons supported by specific factual findings” that
9 outweigh the general history of access and the public policies favoring disclosure. *Kamakana*,
10 447 F.3d at 1178-79. Compelling reasons justifying the sealing of court records generally exist
11 “when such ‘court files might have become a vehicle for improper purposes,’ such as the use of
12 records to gratify private spite, promote public scandal, circulate libelous statements, or release
13 trade secret.” *Id.* at 1179 (quoting *Nixon*, 435 U.S. at 598). However, “[t]he mere fact that the
14 production of records may lead to a litigant’s embarrassment, incrimination, or exposure to further
15 litigation will not, without more, compel the court to seal its records.” *Id.* Dispositive motions
16 include “motions for summary judgment.” *Id.*

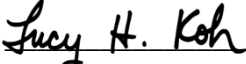
17 In addition, parties moving to seal documents must comply with the procedures established
18 by Civil Local Rule 79-5. Pursuant to that rule, a sealing order is appropriate only upon a request
19 that establishes the document is “sealable,” or “privileged or protectable as a trade secret or
20 otherwise entitled to protection under the law.” Civ. L. R. 79-5(b). “The request must be
21 narrowly tailored to seek sealing only of sealable material, and must conform with Civil L.R. 79-
22 5(d).” *Id.* Civil Local Rule 79-5(d), moreover, requires the submitting party to attach a “proposed
23 order that is narrowly tailored to seal only the sealable material” and that “lists in table format
24 each document or portion thereof that is sought to be sealed,” as well as an “unredacted version of
25 the document” that “indicate[s], by highlighting or other clear method, the portions of the
26 document that have been omitted from the redacted version.” *Id.* R. 79-5(d)(1). “Within 4 days of
27 the filing of the Administrative Motion to File Under Seal, the Designating Party must file a

1 declaration as required by subsection 79-5(d)(1)(A) establishing that all of the designated material
2 is sealable.” *Id.* R. 79-5(e)(1).

3 With these standards in mind, and based upon the submissions of the parties, the Court
4 hereby GRANTS Plaintiffs’ Amended Administrative Motion to File Under Seal.

5 **IT IS SO ORDERED.**

6
7 Dated: May 27, 2015


LUCY H. KOH
United States District Judge

United States District Court
Northern District of California